

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
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)
)
vs.) No. 1:11-cr-10286-DPW
)
)
CATHERINE E. GREIG,)
)
Defendant.)

BEFORE: THE HONORABLE DOUGLAS P. WOODLOCK

RULE 11/PLEA HEARING

John Joseph Moakley United States Courthouse
Courtroom No. 1
One Courthouse Way
Boston, MA 02210
Wednesday, March 14, 2012
2:30 p.m.

Brenda K. Hancock, RMR, CRR
Official Court Reporter
John Joseph Moakley United States Courthouse
One Courthouse Way
Boston, MA 02210
(617) 439-3214

1 APPEARANCES:

2 UNITED STATES ATTORNEY'S OFFICE

By: AUSA Jack Pirozzolo

3 AUSA James D. Herbert

AUSA Mary B. Murrane

4 1 Courthouse Way, Suite 9200

Boston, MA 02210

5 On behalf of the United States of America.

6 LAW OFFICES OF KEVIN J. REDDINGTON

By: Kevin J. Reddington, Esq.

7 1342 Belmont Street, Suite 203

Brockton, MA 02301

8 On behalf of the Defendant.

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1 (The following proceedings were held in open court
2 before the Honorable Douglas P. Woodlock, United States
3 District Judge, United States District Court, District of
4 Massachusetts, at the John J. Moakley United States Courthouse,
5 One Courthouse Way, Courtroom 1, Boston, Massachusetts, on
6 Wednesday, March 14, 2012):

7 THE CLERK: All rise.

8 (The Honorable Court entered the courtroom at 2:30 p.m.)

9 THE CLERK: This Honorable Court is now in session.
10 You may be seated.

11 This is Criminal Action 11-10286, United States versus
12 Catherine Greig.

13 THE COURT: Well, there are couple of preliminary
14 procedural things I do want to touch on.

15 One is the question of how the Los Angeles cases get
16 here. This does not appear to be a traditional Rule 20.

17 So, maybe, Mr. Pirozzolo, you can explain it.

18 MR. PIROZZOLO: They get here by way of a waiver of
19 venue. So, the defendant has agreed, pursuant to the plea
20 agreement -- venue, as you know, can be waived.

21 THE COURT: It can. The reason I raise it -- I am not
22 sure that it is disqualifying -- but Rule 18 seems to say that
23 you can only do this pursuant to a rule or a statute; that is,
24 the defendant is supposed to be tried in the district, the
25 vicinage district. Then Rule 20 has a mechanism for dealing

1 with it, but the Rule 20 mechanism, while it has been
2 broadened, seems to indicate that there should be a complaint
3 in the other District at a minimum. Is there a complaint in
4 the Central District of California?

5 MR. PIROZZOLO: No, there is not. Pursuant to the
6 Plea Agreement there was an agreement signed off on by the
7 United States Attorney in the Central District of California
8 agreeing that that was an appropriate disposition of the
9 charges that would otherwise lie in California.

10 THE COURT: So, I think I end up where you do, but I
11 wanted to be sure I understood fully and Ms. Greig understands
12 fully --

13 MR. PIROZZOLO: Yes.

14 THE COURT: -- that this is departure from the Rules
15 of Criminal Procedure, both Rule 18 and Rule 20, and it is done
16 simply as a waiver of a Constitutional right.

17 MR. PIROZZOLO: Venue is not a Constitutional right, I
18 don't believe.

19 THE COURT: The Sixth Amendment says that you have a
20 right to be tried in the state and the district in which the
21 crime was committed.

22 MR. PIROZZOLO: Thank you.

23 THE COURT: That is a Constitutional right. I think
24 that is where it is located.

25 MR. PIROZZOLO: I stand corrected.

1 THE COURT: Well, Mr. Reddington, I take it your
2 client is prepared to waive the venue?

3 MR. REDDINGTON: Yes, your Honor. I explained in
4 detail, and we did have a written waiver that will be
5 submitted, if it has not already to you, and she is well aware
6 of the right that she has to be tried in California, does wish,
7 pursuant to the Plea Agreement, to waive that and have the
8 matter disposed of in this District before your Honor.

9 THE COURT: Well, I am obviously going to ask her some
10 questions about it.

11 The second issue really has to do with the Crime
12 Victims' Rights Act of 2004. I realize that Magistrate Judge
13 Boal has extended the right of allocution to certain of the
14 persons who have been identified as victims. The question for
15 me is whether or not the statute reaches that far, and I guess
16 I need to understand the Government's view. For present
17 purposes today I will treat it as the law of the case, but I
18 think it is a closer question as a matter of law.

19 MR. PIROZZOLO: I'll address that, your Honor.

20 THE COURT: Sure.

21 MR. PIROZZOLO: Starting with the statute, and this
22 goes under the definition of "victim," 3771(e), which provides
23 you the definition of "victim," defines "victim" as anyone who
24 is directly and proximately harmed by the offense of
25 conviction.

1 I am going to address two components, two things that
2 I think are relevant to the analysis. The first is, and I know
3 it is not binding on the District Court at all, but under the
4 Attorney General's guidelines, which were recently promulgated
5 in 2011, emotional harm can be a type of harm that would be
6 under the guidelines that the Department of Justice operates
7 that would permit a victim to be heard.

8 THE COURT: Let me just pause there.

9 MR. PIROZZOLO: Yes.

10 THE COURT: Is that defined as a civil tort of
11 emotional distress? It strikes me that when you have language
12 like "directly and proximately harmed," that it is invoking
13 civil tort law.

14 MR. PIROZZOLO: That's precisely correct. I think, in
15 fact, if you look at the case law construing the statute and
16 you look at the language of the statute itself, it's framed in
17 terms of traditional common law torts.

18 THE COURT: Does the Government contend that Ms. Greig
19 would be exposed to common law tort liability to any of the
20 persons who have been identified as victims?

21 MR. PIROZZOLO: Potentially, actually. Well, can I
22 unpack this a little bit? There are different victims who are
23 involved in this case and there are three different sets of
24 charges. Two are identity fraud, identity theft charges, and
25 with respect to those there are individuals who we consider to

1 be victims in connection with those offenses, because it was
2 their identities that were unlawfully obtained in the course of
3 the harboring conspiracy and in the course of the conspiracy to
4 commit identity fraud.

5 THE COURT: Are they asking for right of allocution?

6 MR. PIROZZOLO: Well, we have notified them, we have
7 provided them the opportunity, and they haven't today asked to
8 speak.

9 THE COURT: Okay.

10 MR. PIROZZOLO: So, those victims, there's no -- I
11 mean, I don't think -- I doubt the Court would contend that the
12 statute doesn't reach at least those victims.

13 There are two other categories of victims that fall
14 within the scope of the statute. There are family members of
15 people who are standing in the shoes, if you will, of people
16 who suffered, allegedly, at the hands of Mr. Bulger in
17 connection with the cases pending in front of Judge Stearns.
18 So, there are families of murder victims who are victims in the
19 case.

20 There are also, and we have notified them, although
21 they have not requested to allocute today, there are certain
22 categories of people who are extortion victims as well, and
23 that becomes a little bit hard to parse, because the guidelines
24 that we have under the AG's guidelines provides for shades of
25 culpability. So, where there's a culpability issue with

1 respect to a victim, there's a great deal of discretion that
2 the Attorney General vests in the U.S. Attorney community to
3 decide who should be notified. So, we did our best to cut
4 that. It turns out none of them have asked to speak here
5 today, so really the question is the victims who are in the
6 category of family members of murder victims allegedly at the
7 hands of Mr. Bulger and his cohorts.

8 Now, with respect to them, I am going to go back to
9 the tort concept.

10 THE COURT: Right.

11 MR. PIROZZOLO: It is true that in the civil context
12 of emotional distress ordinarily there would be a requirement
13 of some form of bodily harm. That is sort of the traditional
14 construct of the emotional distress. However, I took a look at
15 the *Restatement*, which is sort of a general principles, and
16 Section 46 of the *Restatement* provides for in the case of
17 outrageous conduct that there doesn't need to be any attendant
18 bodily harm. Recall also that what is really at issue here
19 isn't an action in money damages, which I think can affect the
20 analysis somewhat, but simply the right to be heard.

21 THE COURT: Well, for analytical purposes it is, from
22 my perspective, money damages, or at least that is a place I
23 start.

24 MR. PIROZZOLO: And so, the question is it's really a
25 question of fact, and if you look at the restatement of the

1 law, and I use the second version, *Restatement Second of Torts*,
2 if you look at that, Section 46, you will see that someone who
3 engages in extreme and outrageous conduct intentionally or
4 recklessly causing severe emotional distress to another is
5 subject to liability for such emotional distress and if bodily
6 harm results -- but that doesn't apply here, that provision --
7 would be, in fact, liable.

8 Now, it's the Government's position that harboring a
9 fugitive like Mr. Bulger for 16 years, as is alleged in this
10 case, is, in fact, such outrageous conduct that this would
11 permit people who suffered emotional distress as a consequence
12 of that conduct to say that they were directly and proximately
13 harmed by the offense of conviction, and here it would be the
14 harboring conspiracy principally.

15 With respect to the question of whether, in fact, they
16 were harmed and suffered emotional distress, it is, in fact,
17 the case that the delay in bringing Mr. Bulger here to face the
18 charges caused severe emotional distress in that there are
19 many, many people who are seeking justice in this case who had
20 to wait for 16 years and, in fact, they faced the prospect of
21 never seeing Mr. Bulger face the charges that he was facing in
22 the Stearns case or even in the earlier case involving -- that
23 was in front of Judge Wolf.

24 THE COURT: Well, I guess I do not mean to cut you
25 off, but I think you have covered the waterfront of your basic

1 concept.

2 I think I would like to have this briefed fully. I
3 realize the statute has not been developed a great deal in
4 terms of case law, but the application of the statute to
5 accessories after the fact seems to me to be a difficult one.
6 I see the several different categories of potential victims
7 here, but it seems to me important to see if there are lines
8 that need to be drawn in this connection.

9 As I have said, for present purposes I view it as law
10 of the case that these individuals are victims here with a
11 right to allocute.

12 Do they intend to allocute here?

13 MR. PIROZZOLO: One victim has requested to allocute.

14 THE COURT: All right. So, we will proceed in that
15 fashion. But if you can get me something, say, 30 days from
16 today --

17 MR. PIROZZOLO: Thank you, your Honor.

18 THE COURT: -- that attaches the Attorney General's
19 guidelines and anything else that you want to include in that.
20 I am not sure of any Massachusetts case that has ever taken
21 that position. I understand the emotive quality of it. I am
22 not sure about its legal validity.

23 MR. PIROZZOLO: Thank you, your Honor.

24 THE COURT: So, I have this Plea Agreement that has
25 been provided to me indicating Ms. Greig is prepared to plead

1 guilty to a superseding information including charges that
2 would otherwise be brought in the Central District of
3 California.

4 So, I will ask Mr. Lovett to swear Ms. Greig, and I
5 will ask her some questions.

6 DEFENDANT CATHERINE GREIG DULY SWORN BY THE CLERK

7 THE COURT: You may be seated, Ms. Greig.

8 Ms. Greig, the purpose of this hearing is to satisfy
9 me that what appears to be your intention to plead guilty to
10 three very serious federal felonies is a knowing and voluntary
11 act on your part. In order for me to make that kind of
12 determination, I have to ask you some questions, and some of
13 those questions are personal in nature. You will understand I
14 am not trying to delve into your personal life except as it
15 makes it possible for me to decide whether or not you know what
16 you are doing and what you are doing is voluntary.

17 Do you understand?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: I started by referencing the Plea
20 Agreement. It is a letter that is dated March 5th directed to
21 your attorney, Mr. Reddington, and signed on behalf of the U.S.
22 Attorney's Office for the District of Massachusetts by
23 Mr. Pirozzolo and on behalf of the Central District of
24 California by Mr. Dugdale, the Chief of the Criminal Division
25 there, and it is signed by you acknowledging it and signed by

1 Mr. Reddington.

2 Is this the Plea Agreement between you and the
3 Government?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Did anybody promise you something that is
6 not in this Plea Agreement to get you to plead guilty?

7 THE DEFENDANT: No, your Honor.

8 THE COURT: Did anybody threaten you in any way to get
9 you to plead guilty?

10 THE DEFENDANT: No, your Honor.

11 THE COURT: Can you tell me how old a woman you are?

12 THE DEFENDANT: I will be 61 in a couple --

13 THE COURT: Mr. Reddington, maybe if you could put the
14 microphone a little bit closer to Ms. Greig.

15 THE DEFENDANT: I will be 61 in a couple of weeks.

16 THE COURT: How far did you get in school?

17 THE DEFENDANT: Finished my bachelor's degree.

18 THE COURT: Where was that?

19 THE DEFENDANT: Northeastern University.

20 THE COURT: In what subject?

21 THE DEFENDANT: Allied Health.

22 THE COURT: I understand from the attachment here
23 there appears to be a statement of yours that you have not been
24 employed since 1995; is that right?

25 THE DEFENDANT: That's correct.

1 THE COURT: But before 1995, what did you do for a
2 living?

3 THE DEFENDANT: I taught in a dental hygiene school.

4 THE COURT: Now, have you had any difficulty
5 understanding what this case is about, what it is that the
6 Government is accusing you of?

7 THE DEFENDANT: I've had questions, but my attorney
8 has helped me resolve those questions.

9 THE COURT: Do you think you know enough about this
10 case, what the Government is accusing you of, to make a serious
11 judgment about pleading guilty?

12 THE DEFENDANT: I do, your Honor.

13 THE COURT: Have you ever had any problems with
14 substance abuse, either drugs or alcohol?

15 THE DEFENDANT: Never, your Honor. Never.

16 THE COURT: Are you taking any prescription drugs now?

17 THE DEFENDANT: I am taking a prescription drug for a
18 thyroid condition.

19 THE COURT: Is that affecting your ability to make
20 important decisions?

21 THE DEFENDANT: No, your Honor.

22 THE COURT: Are you seeing a physician for any kind of
23 physical problem?

24 THE DEFENDANT: No, your Honor.

25 THE COURT: Have you ever had occasion to consult with

1 a mental health professional --

2 THE DEFENDANT: Pardon?

3 THE COURT: A mental health professional, a
4 psychiatrist, a psychologist, a psychiatric social worker or
5 anyone like that?

6 THE DEFENDANT: At one time.

7 THE COURT: If you could just generally tell me when
8 and what the problem was that you were addressing.

9 THE DEFENDANT: It was after a suicide in my family.

10 THE COURT: And how long ago was that?

11 (Pause)

12 THE COURT: Decades?

13 THE DEFENDANT: It was decades.

14 THE COURT: Can you tell me the decade that it took
15 place?

16 THE DEFENDANT: '84.

17 THE COURT: Now, you understand that in this
18 proceeding when I am asking you questions and you are giving
19 the answers, the answers that you give me can be used against
20 you in a prosecution for perjury or for false statement. Do
21 you understand that?

22 THE DEFENDANT: Yes, I do, your Honor.

23 THE COURT: Now, let us turn to the Plea Agreement.
24 Maybe Mr. Reddington can put it in front of you.

25 But it indicates that you are pleading guilty to three

1 counts. One has to do with a conspiracy to engage in harboring
2 a felon; the second has to do with a conspiracy to engage in
3 identity fraud; and the third is a particular charge of
4 identity fraud. Each one of those counts has a period of
5 incarceration of five years, maximum period of incarceration of
6 five years, there is a supervised release term of three years,
7 and for each of the counts there is a \$250,000 fine potential,
8 a mandatory Special Assessment of \$100, and in connection with
9 Counts Two and Three, which are the identity fraud, there is
10 potential for restitution and forfeiture.

11 Do you understand that that is what you are facing --

12 THE DEFENDANT: I do, your Honor.

13 THE COURT: -- in this circumstance?

14 Now, part of the Plea Agreement indicates that the
15 Government is not going to charge you with certain offenses.
16 Whether they have the evidence or not is not clear, but, in any
17 event, they are not going to charge you with Aggravated
18 Identity Fraud, which is a very specific provision which
19 provides for enhanced sentences --

20 THE DEFENDANT: Yes.

21 THE COURT: -- and also anything having to do with
22 guns. Do you understand that?

23 THE DEFENDANT: Yes, I do, your Honor.

24 THE COURT: And that is part of the bargain that you
25 entered into with the Government; is that right?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Now, here the parties have indicated that
3 they are reserving the right to make arguments about sentencing
4 in this case, and I want you to understand and be sure you
5 understand certain things about sentencing under these
6 circumstances.

7 Number one, I am going to listen carefully to what the
8 parties have to say, but I am not bound by what they have to
9 say.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: You have to answer.

13 THE DEFENDANT: Yes, I do, your Honor.

14 THE COURT: So, first, the parties are going to make
15 arguments to me after they have seen the Probation Presentence
16 Report about what the *Sentencing Guidelines* would be here, and
17 the *Sentencing Guidelines* are a series of directives to me that
18 tell me what the range of sentences might be for someone with
19 your background who has committed these crimes, and I will make
20 the calculations with the assistance of the parties, and I
21 suspect that the parties have thought about this a good deal
22 and have some provisional idea about it.

23 But I want to emphasize this again: I am not bound by
24 that. Do you understand that?

25 THE DEFENDANT: I do, your Honor.

1 THE COURT: And I am not bound by the *Sentencing*
2 *Guidelines* per se. I have got to consider them, and I will,
3 but I have to move on and consider the larger purposes of
4 sentencing. Do you understand that?

5 THE DEFENDANT: I do, your Honor.

6 THE COURT: Now, what this means is you are pleading
7 guilty in the face of uncertainty about what I am going to do.
8 You do not know what I am going to do.

9 THE DEFENDANT: That's right, your Honor.

10 THE COURT: And are you prepared to do that? Have you
11 had a full opportunity to discuss this with Mr. Reddington,
12 your attorney?

13 THE DEFENDANT: I have, your Honor.

14 THE COURT: One thing that I want to get to is the
15 bottom line. If I accept your plea and then I impose a
16 sentence you do not like, you do not get to withdraw your plea;
17 you are stuck with it.

18 Do you understand that?

19 THE DEFENDANT: I understand, your Honor.

20 THE COURT: Now, turning to the larger issues that the
21 parties have talked about, to some degree I want to ask some
22 questions having to do with press reports too of additional
23 matters that are suggested to be in this Plea Agreement or
24 additional agreements that the parties are said to have, and I
25 want to be sure that there is not some side agreement here and

1 that you are not relying on something that is not included in
2 this Plea Agreement.

3 But I want to turn, first, to the question of
4 cooperation. There is no cooperation agreement here?

5 THE DEFENDANT: There is not, your Honor.

6 THE COURT: And I take it that you have not agreed
7 with the Government about anything having to do with
8 cooperation; is that right?

9 THE DEFENDANT: No, I have not, your Honor.

10 THE COURT: But you understand that the Government is
11 in a position to compel you to testify --

12 THE DEFENDANT: I do, your Honor.

13 THE COURT: -- and that they can do that by means of
14 making an application to the Court?

15 THE DEFENDANT: Mm-hmm.

16 THE COURT: -- in connection with grand jury
17 proceedings or in connection with a trial, and if you choose
18 not to testify the result can be that you can suffer civil
19 contempt and perhaps criminal contempt --

20 THE DEFENDANT: Mm-hmm.

21 THE COURT: -- and that that can lead to an extension
22 of any sentence I impose. I will impose whatever sentence I
23 think is appropriate here, but if the Government chooses, and
24 it is their choice, it is not the Court's choice, if the
25 Government chooses to proceed against you and compel you to

1 testify, and if a judge agrees that they have grounds for doing
2 that, you could be spending more time in jail if you do not
3 cooperate.

4 Do you understand that?

5 THE DEFENDANT: I understand, your Honor.

6 THE COURT: Now, the second issue that comes up in
7 connection with the Plea Agreement -- I do want to deal with
8 this question of testimony or lack of testimony, but on page 3
9 of the Plea Agreement the Government says it reserves the right
10 not to recommend a certain reduction under the *Sentencing*
11 *Guidelines* if you fail to provide truthful information about
12 your financial status.

13 Do you understand that you have an obligation to
14 provide truthful information about your financial status?

15 THE DEFENDANT: I do, your Honor.

16 THE COURT: And that it is going to have to be given
17 to the Probation Office as well. But it also can be given to
18 the Government, if they ask for it.

19 THE DEFENDANT: Fine, your Honor.

20 THE COURT: Similarly, if you give any false or
21 misleading information in any proceeding, that is Section (e)
22 on page 4 of, I believe, part 3, in connection with any of the
23 conduct here or relevant conduct related to that, that, again,
24 they can withdraw support for changes in the *Guidelines*. Do
25 you understand that?

1 THE DEFENDANT: I do, your Honor.

2 THE COURT: Now, the Plea Agreement also has certain
3 provisions having to do with financial terms, particularly
4 having to do with forfeiture, and I want to explore that a
5 little bit with you.

6 But you understand forfeiture is not the only
7 financial obligation that you face; as we talked about, there
8 are substantial fines that could be imposed here?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: And any asset that has been restrained by
11 order of the Court can be subject to satisfaction through the
12 fine, if a fine is imposed.

13 Do you understand you are exposing yourself to that?

14 THE DEFENDANT: I do, your Honor.

15 THE COURT: Now, turning to the question of
16 forfeiture, there is a lengthy provision here about forfeiting
17 and assigning any proceed from any publicity or intellectual
18 property rights, and that is direct and indirect. It is not
19 just if you make an arrangement, say, with a book publisher or
20 something like that, but if someone else on your behalf or in
21 connection with you does, that has to be forfeited to the
22 United States.

23 Do you understand that under this agreement?

24 THE DEFENDANT: I do, your Honor.

25 THE COURT: Now, in addition, you are giving up

1 certain of the property rights that are particularly identified
2 in the forfeiture. Do you understand that?

3 THE DEFENDANT: Property rights?

4 THE COURT: Anything that has to do with, for
5 instance, materials that were found in the apartment --

6 THE DEFENDANT: Oh, yes, yes.

7 THE COURT: -- in Santa Monica, that sort of thing.

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: But during the course of the proceedings
10 having to do with bail the Government made certain accusations
11 concerning your not being forthright about financial
12 circumstances --

13 THE DEFENDANT: They did.

14 THE COURT: -- and also that there were some
15 additional financial materials that were available.

16 In particular, the Government, in a rather peculiar
17 submission, said that they would offer evidence, if I asked for
18 them to offer evidence. That is not the way it is done, and I
19 think the Government probably understands that. They provide
20 whatever evidence they want and then I rule on it. I do not
21 play a game with them of I will take some and then bring some
22 back.

23 But, in any event, they made a suggestion about
24 something like that having to do with some bank account that
25 you have here. You understand that that can be exposed to

1 restraining and, perhaps, application in connection with any
2 fine that is imposed here?

3 Do you understand that?

4 THE DEFENDANT: I understand.

5 THE COURT: Now, in addition, the Government made
6 reference in the course of the bail proceedings here to a piece
7 of real property that you have at 16 Hillcrest in Quincy. It
8 is not specifically identified here, although in the bail
9 materials the Government suggested that it may have been
10 purchased as a result of the proceedings of some criminal
11 activity, and I guess I want to be sure that the Government
12 does not believe that it is subject to the forfeiture
13 proceeding here.

14 MR. PIROZZOLO: It is not. Because of the offenses
15 that are implicated in this proceeding that property legally
16 would not be subject to forfeiture. The law of forfeiture only
17 reaches so far, and so as a legal matter we can't in this
18 proceeding. But we've been clear, and I want to make it clear,
19 the same cannot be said for the other matter pending against
20 Mr. Bulger.

21 To the extent -- and that is really for a future
22 proceeding -- to the extent that house is shown to be proceeds
23 of illegal conduct on the part of Mr. Bulger, under those
24 circumstances it could well be forfeited to the extent it
25 applies in that proceeding.

1 THE COURT: Well, let me tell you what I am going to
2 direct the Government to do. I want you to understand this
3 before you enter your plea. That is, I want the Government to
4 provide me with an order restraining you from engaging in any
5 transactions involving any assets that you have that the
6 Government is aware, and, of course, the Government is entitled
7 to know everything about your financial assets --

8 THE DEFENDANT: Mm-hmm.

9 THE COURT: -- and that includes your house. I have
10 not made a decision about sentencing, we are at the earliest
11 stages of this, but I want to be sure that if it comes to
12 sentencing and if there is money involved that there are
13 available assets that could be used to satisfy that, and that
14 includes the house at Hillcrest.

15 I am going to ask the Government seven days from today
16 to provide me with a list of all that they know of financial
17 assets or interest that Ms. Greig has, and I am going to make
18 them subject to what is identified in the Plea Agreement as the
19 potential for restraint of such financial interests here. But
20 I want you to understand it is not that I have made a decision
21 about --

22 THE DEFENDANT: I understand, your Honor.

23 THE COURT: -- the question of money, but I want to be
24 sure that there is no misunderstanding or that other purchasers
25 receive notice that there is a question. So, for example, I

1 expect the Government to provide me with a *lis pendens* for the
2 Hillcrest Street property.

3 Now, one of the things that is included here is the
4 waiver of certain Constitutional rights that you have, and, in
5 particular, I am a little concerned about the provision on
6 page 8, which says that you waive your right to all
7 Constitutional, legal and equitable challenges by direct appeal
8 or *habeas corpus* or any other means to any forfeiture carried
9 out in accordance with this Agreement.

10 Ordinarily, I have found that most defendants do not
11 understand what it means to be giving up the right to appeal in
12 criminal cases, and so I ordinarily do not accept waivers of
13 appeal. This is a property issue, and I am prepared to do
14 that, but you understand that you are giving up all your rights
15 to contest the forfeiture? You may say, Well, that was not
16 part of the property, that that property was not part of the
17 criminal transaction. You could say that, "I want to challenge
18 all of that."

19 You are giving up the right to do that under this Plea
20 Agreement. Do you understand that? If you want to consult
21 with Mr. Reddington, you can.

22 (Defendant consulted with Atty. Reddington off the record)

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: So, you are prepared to do that?

25 THE DEFENDANT: I am, your Honor.

1 THE COURT: And what that means is that the forfeiture
2 process can go forward even without a judge, and you do not
3 have a basis for seeking some sort of review with respect to
4 that. Do you understand that?

5 THE DEFENDANT: I do, your Honor.

6 THE COURT: Now, I have gone through some of the more
7 significant dimensions, I think, of the Plea Agreement so that
8 I can understand this, but do you have any questions of me
9 regarding the Plea Agreement and how it applies?

10 THE DEFENDANT: No, your Honor.

11 THE COURT: You understand you do not have a
12 responsibility to plead guilty here?

13 THE DEFENDANT: I do, your Honor.

14 THE COURT: Under our *Constitution*, a person is
15 provided with various kinds of rights. We started with a
16 discussion about what is, in fact, a Constitutional right, to
17 be tried in the district where a criminal transaction, alleged
18 criminal transaction, takes place. That is what we generally
19 call "venue," and Mr. Reddington has indicated that you have
20 signed a waiver of venue for this.

21 But there is a reason for that, and the reason is that
22 people who are in a particular district are assumed to have the
23 right to contest the case *there*, not somewhere else, and so the
24 founders of the *Constitution* put that in the *Constitution*, and
25 you have a right to insist on that.

1 I understand that you are prepared to give up that
2 right to have this part of the case litigated, that is, Counts
3 Two and Three, litigated in the Central District of California,
4 which is the Los Angeles County area.

5 THE DEFENDANT: I am, your Honor.

6 THE COURT: Not only that; apparently you are going to
7 plead guilty to what is called an "information." An
8 "information" is a direct charge by the United States Attorney
9 here, two United States Attorneys, the United States Attorney
10 from the District of Massachusetts and the one from the Central
11 District of California, and they are charging you directly.
12 Under our *Constitution*, a person who is accused of serious
13 crimes like this is entitled to have a grand jury make that
14 determination.

15 THE DEFENDANT: Mm-hmm.

16 THE COURT: A grand jury consists of 23 individuals, a
17 majority of whom have to vote in favor of an indictment, and if
18 they do not the Government cannot move on that indictment. It
19 sometimes happens that grand juries decide that they are not
20 going to let the Government go forward. The grand jury
21 functions as a filtering or screening device for criminal
22 transactions, and under our *Constitution* a person who is
23 potentially accused of a crime is entitled to have that group
24 of citizens make that preliminary determination about whether
25 or not the case goes forward on those charges.

1 Now, as I understand it, you are prepared to give up
2 that Constitutional right and let the Government proceed
3 directly against you here in the District of Massachusetts with
4 respect to particularly Counts Two and Three, because Count One
5 has already been indicted here in Massachusetts.

6 Are you ready to do that?

7 THE DEFENDANT: I am, your Honor.

8 THE COURT: And you have discussed giving up these
9 rights with Mr. Reddington fully, and you understand what the
10 pros and cons are of doing that; is that right?

11 THE DEFENDANT: I do, your Honor.

12 THE COURT: And you are satisfied with the legal
13 advice that you have received from him --

14 THE DEFENDANT: Very much so.

15 THE COURT: -- regarding this?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Now, more fundamentally, the Government
18 cannot make you guilty just by accusing you. Under our system
19 of justice, a person who is accused of a crime is presumed
20 innocent unless and until the Government can prove beyond a
21 reasonable doubt each essential element of the offenses charged
22 against that individual. You do not have to do anything at
23 all. You can sit back, look the Government straight in the eye
24 and say, "Prove it," and unless and until they do you cannot be
25 found guilty, unless, of course, you plead guilty.

1 So, what you are doing is giving up those valuable
2 Constitutional rights. Do you understand that?

3 THE DEFENDANT: I do, your Honor.

4 THE COURT: And you have the right to challenge the
5 case. You do not have to just sit back. You can have
6 Mr. Reddington cross-examine the Government's witnesses. He
7 could bring in witnesses on your behalf. If they would not
8 come in here voluntarily, I would give him court process to
9 force them to come in here.

10 You could take the witness stand yourself and tell
11 your side of the story, or you could choose not to, and if you
12 chose not to, I would tell the jury, if the case were tried to
13 a jury, and I would make this determination myself, that we
14 cannot hold that against you. That is another valuable
15 Constitutional right that you have, the right to remain silent
16 in the face of criminal accusation.

17 Now, by pleading guilty you are giving up all of those
18 rights. Do you understand that?

19 THE DEFENDANT: I do.

20 THE COURT: Now, I want to turn to the provisions that
21 the Government has accused you of, and there are basically two
22 categories. One is Harboring, the other is Identity Fraud. I
23 want to outline, if I can for you, briefly, the elements,
24 although I want to be sure that you have discussed the elements
25 with Mr. Reddington, and if you have any questions of me

1 regarding the elements, what it is that the Government has to
2 prove beyond a reasonable doubt, then stop me and ask me. All
3 right?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Count One deals with Conspiracy to Harbor,
6 so what it is is an agreement to engage in harboring a
7 fugitive. Now I want to talk about what harboring a fugitive
8 requires the Government to prove. First, they have to prove
9 that some federal warrant or process for a felony charge has
10 been issued for the arrest of the fugitive, and here that is
11 said to be Mr. Bulger.

12 THE DEFENDANT: Yes.

13 THE COURT: Second, that you knew that the warrant or
14 process, that particular warrant or process had been issued.

15 Third, that you harbored or concealed the fugitive.
16 "Harboring and concealing" is a pretty broad term. It means
17 some sort of physical acts or providing assistance in avoiding
18 detection and apprehension. For example, physical acts like
19 providing food and shelter and medical assistance and other
20 necessities would qualify under these circumstances.

21 Finally, the Government has to prove that you did this
22 intentionally to prevent Mr. Bulger's discovery or arrest.

23 It has got to show all of those things. Do you
24 understand that?

25 THE DEFENDANT: I do, your Honor.

1 THE COURT: Now, the question of Identity Fraud is a
2 little bit different, a little bit more complex, but let me go
3 through it briefly with you, because in Count Three it is
4 charged as a particular act of Identity Fraud, and then it is
5 charged as Conspiracy in another area.

6 But the Government has to prove with respect to the
7 Identity Fraud in the third count, the individual substantive
8 act, that you knowingly transferred or possessed or used a
9 means of identification of some other person, that you did so
10 without lawful authority, that you did so with the intent to
11 commit or aid in the commission of some sort of unlawful
12 activity, and here the unlawful activity is harboring or
13 concealing, and that the document was used or appeared to be
14 used under the authority of the United States, something like a
15 Social Security card, that sort of thing, or that the transfer,
16 possession or use affected interstate commerce.

17 The Government has to prove those things for the
18 Identity Fraud in Count Three. Do you understand that? You
19 seem to be puzzled.

20 THE DEFENDANT: I'm puzzled. I'm puzzled about that.

21 THE COURT: If you want to discuss it a little bit
22 with Mr. Reddington before.

23 THE DEFENDANT: Please.

24 (Defendant conferred with Atty. Reddington off the record)

25 THE DEFENDANT: Yes, okay. I understand.

1 THE COURT: Do you have any questions of me concerning
2 that?

3 THE DEFENDANT: No, I don't.

4 THE COURT: Now, have you explored with Mr. Reddington
5 fully the kinds of defenses that you might have, the
6 initiatives that you might have, the ways in which you might
7 confront and deflect charges like that?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Now, I said that there are two basic kinds
10 of issues here, one Harboring and the other Identity Fraud, but
11 the Government has charged them a little bit differently. With
12 respect to the harboring or concealing, they have charged this
13 as a conspiracy, and part of the reason, perhaps, is that not
14 all of the acts that the Government contends are involved took
15 place in Massachusetts, but at least one did, and that is why
16 they say this case can be brought in Massachusetts.

17 But what the Government has to prove is that you
18 entered into an agreement with one or more other persons to
19 engage in the violation of the harboring or concealing statute,
20 No. 1071, and that some overt act was taken in connection with
21 that. An "overt act" is simply something to assist or make
22 move forward. It does not have to be an illegal act itself but
23 something that assists and makes it possible for the agreement
24 to be carried out.

25 So, the Government has to prove two basic things:

1 First, that you agreed with other persons; and, number two,
2 that the agreement was to conceal or harbor Mr. Bulger.

3 Do you understand that that is what the Government has
4 to prove?

5 THE DEFENDANT: I do, your Honor.

6 THE COURT: And, similarly, they charged a conspiracy
7 under the special conspiracy statute of Identity Fraud, and
8 here the Government has to prove that there is an agreement
9 that is listed, as described in the indictment, involving at
10 least two people to knowingly possess with the intent to use
11 unlawfully or transfer unlawfully five or more identification
12 documents other than those that are lawfully in your possession
13 that have authentication features or falsity in the
14 identification features, that you voluntarily and intelligently
15 and with the specific intent -- that is, you knew what you were
16 doing; this was not some mistake or you were just acting
17 without understanding what was going on here -- that there be
18 this underlying violation of the Identity Fraud statute, and
19 that, although it is not clear, really, I think from the
20 statute itself, there was an overt act.

21 I am going to tell you that there was an overt act. I
22 am not sure that the statute requires an overt act here. But,
23 again, an "overt act" is an act in furtherance of that
24 conspiracy; somebody among the conspirators did something to
25 make that conspiracy succeed, the conspiracy to engage in

1 Identity Fraud.

2 The Government has to prove all of those things beyond
3 a reasonable doubt. Do you understand that?

4 THE DEFENDANT: I do, your Honor.

5 THE COURT: Now, one of the reasons that I went
6 through this in some detail is that I am going to ask the
7 Government briefly to tell me what the evidence would be. I
8 have, of course, had provided to me a statement by you
9 concerning this and signed by you, but it is important for that
10 statement, for my purposes, the Government's understanding of
11 the statement to be presented in open court so I can observe
12 you and decide whether or not you really know what it is that
13 you have agreed to. All right?

14 THE DEFENDANT: Yes. Thank you.

15 THE COURT: Mr. Pirozzolo.

16 MR. PIROZZOLO: Thank you, your Honor.

17 If this case were to have proceeded to trial, the
18 Government would have been prepared to prove the following:

19 That sometime prior to December 1994 Ms. Greig, the
20 defendant, had a personal relationship with James Bulger, and
21 that that personal relationship continued through the time of
22 their arrest in Santa Monica, California on June 22nd, 2011;
23 that the defendant, Ms. Greig, became aware in late 1994 or
24 early 1995 that Mr. Bulger had, in fact, fled Massachusetts,
25 and in early January 1995 had become aware that a criminal

1 associate of Mr. Bulger's, Stephen J. Flemmi, and Mr. Bulger
2 had been charged with criminal offenses.

3 The Government would also be prepared to prove that
4 she became aware of that event from a third party, John Doe
5 No. 1, who is identified in the Statement of Facts as John Doe
6 No. 1, and who was known to Ms. Greig, and that she believed
7 and was informed that -- he informed her that he believed that
8 law enforcement was looking for Mr. Bulger and that Mr. Flemmi
9 had been arrested. She also later became aware of those events
10 when law enforcement questioned her at her home in Quincy
11 sometime later.

12 In addition, through the period of time from 1995
13 through 2011 she was also aware of various federal criminal
14 offenses that law enforcement was seeking to arrest Mr. Bulger
15 on.

16 The Government will also be prepared to prove that in
17 early 1995 Ms. Greig agreed to join Mr. Bulger and travel with
18 him during his flight from law enforcement, and that she agreed
19 to harbor and conceal him from law enforcement with others.
20 The Government would be able to prove that Mr. Bulger and
21 Ms. Greig, in connection with that Conspiracy to Harbor and in
22 connection with that effort to harbor and conceal Mr. Bulger
23 from law enforcement, that they would use alias identities.

24 During the period of time set forth in the superseding
25 information, the Government would be able to prove that from

1 January 1995 through June 22, 2011 that they possessed unlawful
2 identification documents, including drivers' licenses and
3 Social Security cards of real people, that they posed falsely
4 as a married couple, that Ms. Greig often used alias names,
5 false names of individuals using the last name of individuals
6 whose identifications Mr. Bulger himself had unlawfully
7 obtained, and that she also provided false cover stories to
8 people who they met in Santa Monica during the period of time
9 of the conspiracy.

10 The Government would also be able to prove that as
11 part of her role in the harboring conspiracy and the Identity
12 Fraud offenses that are charged in the superseding information
13 the following:

14 That in or about February 1995 Ms. Greig drove with a
15 woman identified as Jane Doe No. 1, whose identity she is aware
16 of, and a John Doe No. 1, whose identity she is aware of, to a
17 Thomas Park in South Boston, Massachusetts and that John Doe
18 No. 1 would take her to meet Mr. Bulger, and that she would
19 then leave the area of Boston, Massachusetts with Mr. Bulger.

20 The Government would be able to prove, in addition,
21 that the meeting did occur, it is set forth in more detail in
22 the Statement of Facts, and that, in fact, they met at Malibu
23 Beach in Boston, Massachusetts and then left the Boston area.

24 The Government would also be able to prove that at
25 various times from 1959 through 1996, and, again, this is set

1 forth in more detail in the Statement of Facts signed by
2 Ms. Greig, that Mr. Bulger arranged for Ms. Greig to speak to
3 others, including Jane Doe Number One via telephone, and they
4 would set up a mechanism by which they would place those calls
5 so the parties could not be detected by law enforcement.

6 The Government would also be able to prove that
7 Ms. Greig used the alias of "Ms. Thomas Baxter" at various
8 times, that, in fact, that Mr. Bulger -- and she was aware that
9 Mr. Bulger checked the two of them into a hotel in New York
10 using the name "Mr. and Mrs. Thomas Baxter" in or about 1995,
11 September 30, 1995.

12 The Government would also be able to prove that
13 Ms. Greig used the alias "Helen Marshall" in Louisiana,
14 including an instance where she purchased contact lenses at a
15 Walmart in Louisiana in 1996.

16 THE COURT: Do you contend in connection with either
17 one of those that they involved Identity Fraud in the sense of
18 identity documents?

19 MR. PIROZZOLO: As you know, the identity statute is
20 very particular as to what does and does not count with respect
21 to Identity Fraud, and as to the "Helen Marshall," that appears
22 to be a completely fabricated alias, and it does not appear to
23 be something that would qualify under the statute as --

24 THE COURT: So, it is not one of the five?

25 MR. PIROZZOLO: No, it is not. We are able to

1 identify the five, if you would like. The Thomas Baxter
2 identification and the ID -- the identification fraud
3 conspiracy is a conspiracy that includes acts not just by
4 Ms. Greig but also Mr. Bulger.

5 THE COURT: Right.

6 MR. PIROZZOLO: The Thomas Baxter identity involved a
7 driver's license and, in fact, does count as one, although, as
8 you will hear, there are many, many more that come much later
9 in time.

10 THE COURT: I do want you to identify those that you
11 contend are among the five as you go along.

12 MR. PIROZZOLO: The charge is not limited to five,
13 your Honor.

14 THE COURT: I understand.

15 MR. PIROZZOLO: If you could just bear with me one
16 moment. I think we may have a chart or a table.

17 THE COURT: Sure.

18 MR. PIROZZOLO: I think we do have a table that we may
19 be able to provide in some redacted form to the Court at some
20 point, although we could file it under seal.

21 THE COURT: Right. But just as you go along, if you
22 can identify those that you say are identifications of real
23 people that fall within the scope of the Identity Fraud
24 statute. I take it that you say that Thomas Baxter was.

25 MR. PIROZZOLO: That was a real individual, deceased,

1 and there is a driver's license that was obtained.

2 Moving on, at some point in time in 1996 the
3 Government would be able to prove that Ms. Greig learned as to
4 Mr. Bulger that the Thomas Baxter alias had been compromised,
5 had been made known to law enforcement, and they stopped using
6 the Baxter aliases.

7 And then in 1996, mid-1996, there was an event in
8 Chicago set forth in more detail in paragraph (g) of the
9 Statement of Facts, where false identification documents were
10 delivered to Mr. Bulger and that Mr. Bulger was very unhappy
11 with the quality. This is an event that occurred in a hotel
12 room in Chicago. At the hotel room John Doe No. 1, the John
13 Doe No. 1 identified in the Statement of Facts, took additional
14 photographs of Mr. Bulger and then created additional
15 identifications at a later date.

16 With respect to the event in the hotel room, Ms. Greig
17 was present in the hotel room, was aware that the photos were
18 being taken and why they were being taken, and in the Statement
19 of Facts she states that John Doe No. 1, in fact, offered to
20 take photos of her, but she declined.

21 Item (h), there is an alias that was used by the name
22 of Mark Shapeton, and Ms. Greig began using the alias of Carol
23 Shapeton, and they traveled, as set forth in the Statement of
24 the Facts, between Chicago and New York.

25 With respect to the Shapeton ID, we do not allege with

1 respect to this charge that that is a means of identification,
2 although there is an individual who was affected by this. So,
3 even though we do not allege that, it did affect a real person
4 who had real consequences because of the use of that name.

5 THE COURT: That individual is a victim in the first
6 category of victims that you identified?

7 MR. PIROZZOLO: Correct, your Honor.

8 So, after the departure from Boston and through the
9 time they were living in Santa Monica the Government would be
10 able to prove that Mr. Bulger obtained multiple additional
11 identification documents of other individuals, including -- and
12 they are identified by initial in the Statement of Facts and in
13 the charging document -- CWG, DGG and JWL. With respect to
14 each of those, those were real individuals and they involved
15 real identification documents. With respect to JWL -- as you
16 requested, I am telling you which identification documents.

17 THE COURT: Right. So, right now they are two, three
18 and four.

19 MR. PIROZZOLO: Understand the charge is not simply
20 limited to individuals; it is the number of identification
21 documents. That is the conspiracy.

22 So, with respect to certain of these individuals,
23 there are multiple identification documents. For example, JWL,
24 there are at least two drivers' licenses and one Social
25 Security card and birth certificates, more than one birth

1 certificate, that were obtained in connection with the use of
2 that identity.

3 With respect to CWG and DGG, those involved Social
4 Security information and a card.

5 The Government would also be able to prove that
6 Ms. Greig was aware of the possession of those identification
7 documents for those individuals, and that at various times she,
8 in fact, used the last name of JWL, often referring to herself
9 as "Carol L," and she did that on multiple occasions, meeting
10 with doctors who were often treating Mr. Bulger. The evidence
11 would show that Ms. Greig would, in fact, accompany Mr. Bulger
12 to doctors' offices to help him as various procedures were
13 being performed.

14 The Government would also be able to prove that as
15 part of the Conspiracy to Harbor that Mr. Bulger and Ms. Greig
16 rented an apartment in Santa Monica California using false
17 names "Charles Gasko" and "Carol Gasko." Those names do not
18 count in the conspiracy, the identity fraud conspiracy, because
19 so far as we could determine they are entirely fictitious, so
20 far as the evidence would show they were fictitious. Although,
21 the Court may note that there were a slight variant of the --

22 THE COURT: JWL?

23 MR. PIROZZOLO: The CWG.

24 The Government would also be able to prove that at
25 various times Ms. Greig would introduce herself to others in

1 Santa Monica, including property managers with whom she had
2 regular contact and paid the rent, by the name of "Carol Gasko"
3 and that she was married to a "Charles Gasko" and they were
4 from Chicago. She also falsely told the property manager of
5 the apartment that Charlie was ill with bronchitis.

6 The Government would also be able to show that she was
7 responsible for delivering the rent payments to the property
8 manager and that she often paid in cash, although sometimes by
9 postal money order. She also paid the electric utility bill
10 which was under her name under a slight variant of "Carol
11 Gasko." It was under the name "Carol Gasco" with a c,
12 G-a-s-c-o.

13 I have already addressed what is set forth in
14 paragraph (n), which is with respect to the identification
15 documents of JWL. They included a Social Security card,
16 California drivers' licenses, birth certificate, among other
17 items, each of which counts as an identification document.

18 The Government would also be able to prove that during
19 the course of the conspiracy Ms. Greig obtained an
20 identification document which had her photograph on it but
21 which displayed false identity under the name "JL" and had an
22 unassigned Social Security number.

23 That does not count. That identification was not a
24 state-issued identification, nor did it purport to be. There
25 was a disclaimer on the top of it. So, it does not count as

1 one of the ID's that would be covered --

2 THE COURT: Was it a real person?

3 MR. PIROZZOLO: No, so far as we could tell. We could
4 not identify a real person, so far as the evidence would show.

5 THE COURT: Right.

6 MR. PIROZZOLO: Although, using that document with the
7 unassigned Social Security number, Ms. Greig obtained medical
8 services and prescription medication using the false name and
9 would show and provide the identification document when
10 receiving services. She knew at the time she was providing
11 that information and that document to the doctors that it was
12 not her Social Security number and that it, in fact, was not
13 assigned to her as a Social Security number. She knew it was
14 false.

15 The Government would also be able to prove that
16 Ms. Greig and Mr. Bulger used other alias identities while in
17 Santa Monica, including the name "John R" and "Mary R," in
18 connection with obtaining services from a dentist who treated
19 Mr. Bulger at various times. As with the doctors, Ms. Greig
20 would often accompany, always listed as an emergency contact or
21 would speak with the dentist over the telephone regarding
22 Mr. Bulger's treatments or convalescence from a treatment.

23 Now, with respect to those, those do not count. There
24 is no evidence that those qualify as either means of
25 identification or identification documents for purposes of a

1 conspiracy.

2 Mr. Bulger also created and provided to Ms. Greig
3 business cards with the false name "JL," which is the name that
4 she often used in Santa Monica.

5 The Government would also be able to prove that
6 Mr. Bulger and Ms. Greig possessed a Social Security card of a
7 female individual, "PM." This is a real individual, and this
8 is one of the items that does count in connection with the
9 conspiracy, and of course it's charged in Count Three as well.

10 THE COURT: Right.

11 MR. PIROZZOLO: Along with that, this involved a birth
12 certificate, which also counts. The birth certificate is
13 actually under a different name, but accompanying the birth
14 certificate is a court document documenting a name change from
15 the original name, which was on a birth certificate from Ohio,
16 to the name "PM," and that was also something that they
17 possessed in connection with the conspiracy and relevant to
18 Count Two, the conspiracy to commit Identity Fraud in Count
19 Two.

20 In addition, Mr. Bulger created and provided business
21 cards under the name PM, and Ms. Greig, in fact, kept one of
22 those business cards, at least one of those business cards, in
23 her bedroom with the Social Security number associated with
24 "PM" written on the back of it, which also contained other
25 personal identifying information of PM.

1 The Government would also be able to prove that
2 Mr. Bulger and Ms. Greig possessed Social Security information
3 of another female individual "NS," and that's a real
4 individual. It does not count for purposes of Count Two,
5 because it was the Social Security information that was
6 obtained, not the identification document. So, the distinction
7 is with respect to the conspiracy.

8 THE COURT: Right. It is evidentiary.

9 MR. PIROZZOLO: It certainly is. It's evidence of the
10 conspiracy, but if you are asking for what are the five --

11 THE COURT: I am trying to identify within the
12 contemplation of the conspirators five pieces of
13 identification.

14 MR. PIROZZOLO: Correct.

15 And then the Government would also be able to prove
16 that on more than one occasion Ms. Greig would obtain for
17 Mr. Bulger prescription medication from a pharmacy claiming to
18 be Mr. Bulger's wife. She would, in fact, sign the false alias
19 for Mr. Bulger "JWL" to pick up medication at the pharmacy in
20 Santa Monica. In fact, the Government would be able to prove,
21 and Ms. Greig agrees, that there is video surveillance of her
22 going into a Santa Monica pharmacy and signing Mr. Bulger's --
23 where she signed Mr. Bulger's alias identity while picking up
24 prescription medication.

25 The Government would also be able to prove that

1 Ms. Greig obtained cash to pay for groceries, medication,
2 medical services, rent, utilities and other personal and
3 household expenses for Mr. Bulger, and at the time they left
4 Boston they were not employed from 1995 through June 22nd,
5 2011.

6 In the document, in the Statement of Facts, although
7 this is not necessary for the purposes of the -- the Government
8 would submit it's not necessary for purposes of accepting the
9 plea -- Ms. Greig admits that the only source of funds during
10 that time was the cash Mr. Bulger provided to her, and she also
11 states that she didn't use the names "PM" or "NS" or any of the
12 other named identities to defraud anyone. That is also further
13 stated in the Statement of Facts although not, in the
14 Government's view, material to the acceptance of the plea.

15 That's in the Statement of Facts with respect to
16 Counts One, Two and Three of the superseding information, and
17 the Government submits is a sufficient factual basis to accept.

18 THE COURT: So, Ms. Greig, two things. One, there is
19 attached to the Plea Agreement this statement that you signed.

20 THE DEFENDANT: Yes.

21 THE COURT: Is that true?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: And did you hear anything that
24 Mr. Pirozzolo said that you disagree with?

25 THE DEFENDANT: No, your Honor.

1 THE COURT: That is what happened?

2 THE DEFENDANT: That's what happened.

3 THE COURT: I am prepared to accept the plea to the
4 information, including an information waiving venue in this
5 jurisdiction.

6 I gather, Mr. Reddington, do you have the document?
7 Have you passed up the documents?

8 MR. REDDINGTON: Your Honor, we have actually two of
9 them, one for the Government, one for you, and I believe
10 Mr. Pirozzolo has both the waiver of the indictment and the
11 waiver of venue.

12 THE COURT: All right.

13 (Documents provided to the Court Atty. Reddington)

14 THE COURT: Based on the discussion we have had this
15 afternoon, I am satisfied that the decision to waive the
16 indictment and waive venue in the Central District of
17 California for Counts Two and Three is a knowing and voluntary
18 act on behalf of Ms. Greig, and I am going to allow those
19 waivers by signing them at this point.

20 Now, I started before we went through the discussion
21 by indicating some concerns about the application of the Crime
22 Victims' Rights Act under these circumstances, but I also
23 indicated that I would hear any person identified as a victim
24 who wishes to be heard before I act on the question of the plea
25 or acceptance of the plea.

1 Mr. Pirozzolo, you said there was an individual who
2 wanted to speak.

3 MR. PIROZZOLO: Yes, your Honor. Mr. Steven Davis.

4 THE COURT: If you could use the podium there.

5 MR. DAVIS: I can't come up to you?

6 THE COURT: Right.

7 MR. DAVIS: I am speaking on behalf of my family.

8 THE COURT: Sir, if you could identify yourself for
9 the record.

10 MR. DAVIS: My name is Steve Davis. My sister was
11 Debra Davis.

12 I'm just speaking on behalf of my family and some of
13 the others, the Donahues, that you have to consider this woman,
14 she is not what she appears to be. She's a monster under all
15 that skin of hers. That she kept the Government and all these
16 families 16 years out of the 30 years they've been looking for
17 this guy, we could have resolved this 16 years ago, and she
18 kept him in hiding for all that time. And I just wish, looking
19 at her, that she could have some kind of feeling on her
20 family's suicide, her crying after all these years, to figure
21 what we went through after 31 years. And my mother isn't alive
22 today to see this.

23 I just want everyone to know that and look at this
24 when it comes time for sentencing this woman. She doesn't
25 deserve a break in my heart or any one of the victims'

1 families'. Thank you.

2 THE COURT: Thank you, Mr. Davis.

3 As I indicated, there are two separate questions here.
4 First, the question of concerns by individuals arising out of
5 all of the transactions, and they are, of course,
6 understandable.

7 There is a second issue, and that is the legal issue,
8 the application of the Crime Victims' Rights Act, and I have
9 indicated that I wanted the Government, anyway, to submit
10 something 30 days from today concerning this application.

11 Of course, Mr. Reddington, you are free to do so.

12 Mr. Davis or any of the victims are free to do so as
13 well.

14 I will make a determination about the application of
15 the Act, but my view is I am going to, as I indicated earlier,
16 even if it is not authorized by the Act itself, in light of the
17 established record in the case and also my own view of the
18 exercise of discretion, hear statements of victims at the time
19 of sentencing as well. But I am going to rule on the question
20 of whether I am doing it as a matter of discretion or as a
21 matter of a legal obligation, because the statute I think has
22 not fully been construed, and I think it is important to have
23 some constructions that perhaps will indicate the actual
24 boundaries of the statute.

25 So, based on the discussion we have had here, I am

1 prepared to accept the change in plea on behalf of Ms. Greig to
2 Count One and a plea as to Counts Two and Three.

3 I take it, Mr. Reddington, because this is an initial
4 appearance for purposes of the information, that there is no
5 need to read the --

6 MR. REDDINGTON: No. We waive that, your Honor, yes.

7 THE COURT: So, Mr. Lovett will inquire of Ms. Greig.

8 THE CLERK: Catherine Greig, on Criminal No. 11-10286,
9 Count One of the Superseding Information charges you with
10 Conspiracy to Harbor a Fugitive in violation of Title 18 United
11 States Code 371; Count Two of the Superseding Information
12 charges you with Conspiracy to Commit Identity Fraud in
13 violation of Title 18 United States Code 1028(f); Count Three
14 of the Superseding Information charges you with Identity Fraud
15 in violation of Title 18 United States Code 1028(a)(7).

16 What say you as to Counts One through Three, guilty or
17 not guilty?

18 THE DEFENDANT: Guilty.

19 THE COURT: You may be seated.

20 Mr. Pirozzolo, do you know of any reason I should not
21 accept the plea?

22 MR. PIROZZOLO: No, your Honor.

23 THE COURT: Mr. Reddington?

24 MR. REDDINGTON: No, your Honor.

25 THE COURT: All right. Based on the discussion we

1 have had, I am satisfied that the decision of Ms. Greig to
2 plead guilty to the Superseding Information is a knowing and a
3 voluntary act and is supported by substantial evidence from
4 which a finder of fact could find you guilty of the three
5 charges alleged there. You are now adjudged guilty of those
6 offenses.

7 The next formal event in this court will be
8 sentencing, and sentencing will take place on June 7th.

9 (The Court conferring with the Clerk off the record)

10 THE COURT: On the 7th I am going to have to be at a
11 Judicial Conference meeting, so I am going to put it over to
12 June 12th at 2:30.

13 Now, what is going to happen, Ms. Greig, is that the
14 Probation Office of the Court will prepare a Presentence
15 Report. Both you and Mr. Reddington will have a chance to work
16 with them. It is very much in your best interest but also an
17 obligation that you have. You should answer all the questions
18 that they have that they think I would like to know the answers
19 to, and you can bring to their attention information you think
20 that I should know.

21 You will get a chance to see the Presentence Report in
22 its draft form. If you are not satisfied with the draft, you
23 can ask the Probation Office to make changes or corrections.
24 If they do not make the changes or corrections to your
25 satisfaction, you can bring the matter up to me at the time of

1 sentencing, and at the time of sentencing both you and
2 Mr. Reddington will have an opportunity to address me in open
3 court about the factors that I should have in mind before I
4 actually pronounce sentence.

5 Now, there are two outstanding matters here that were
6 unaddressed. One is the question of bail. I assume that that
7 is not being pressed any further here.

8 MR. REDDINGTON: No. That's correct, your Honor.

9 THE COURT: The second was the question of exclusion
10 for purposes of the Speedy Trial Act, and I will exclude
11 through today, and, of course, as a consequence of the
12 sentencing the Speedy Trial Act clock has ended here.

13 Is there anything else that we need to take up this
14 afternoon?

15 MR. REDDINGTON: No.

16 MR. PIROZZOLO: No, your Honor.

17 THE COURT: All right. We will be in recess, then.
18 Thank you.

19 THE CLERK: All rise.

20 (The Honorable Court exited the courtroom at 3:40 p.m.)

21 (WHEREUPON, the proceedings adjourned at 3:40 p.m.)
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C E R T I F I C A T E

I, Brenda K. Hancock, RMR, CRR and Official Reporter of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of my skill and ability, a true and accurate transcription of my stenotype notes taken in the matter of *United States v. Catherine Greig*, No. 1:11-cr-10286-DPW.

Date: September 4, 2012

/s/ Brenda K. Hancock

Brenda K. Hancock, RMR, CRR

Official Court Reporter